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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,192	04/21/2005	Walter Link	026032-4887	8765
22428 7590 07/09/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER ABRAHAM, TANIA				
ART UNIT PAPER NUMBER 3636				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,192

Applicant(s)

LINK, WALTER

Examiner

Tania Abraham

Art Unit

3636

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 13, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 14-22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. Claims 26-31 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 20, 2007.

Claim Objections

2. Claim 24 is objected to because it has been mistakenly numbered as "14". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 12, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Leuchtmann (DE 4435835). Leuchtmann shows a movement limiting device in figures 7-9, comprising: a latch within a first upholstery element 6 comprising a moveable bolt 12 that extends out of the first element in its operative position, and retracts in the first element in its inoperative position; a counterpart 13 mounted near the first element which receives the bolt 12 in a releasable lockable manner; and a control device 17 located near a hinge 8 and operatively coupled to the bolt 12 by a force transmitting device 37.

Regarding claims 23 and 25, the bolt 12 is fully retracted within the first element in its retracted inoperative position, and the force transmitting device comprises a Bowden cable.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leuchtmann et al (US 5741046) in view of Takeda et al (US 5527087).

Leuchtmann et al show a seat comprising: a latch 12 arranged within a first seat element 3 and including a bolt 22 moveable between extended and retracted positions; a counterpart 50 mounted near the first seat element for engaging the bolt 22; and a control device including a release button 14, a cable 10, and locking devices 19, 20.

Leuchtmann et al do not show or suggest having their bolt extend and retract, out of and into, the seat element within which it is disposed. However, this is considered a matter of design choice since the prior art shows that having a biased-locking bolt extend out of and retract into a seat element, within which it is disposed, is an option of locking mechanisms for folding seats. Takeda et al (US 5527087) show a locking mechanism 5 having a latch 5a that extends and retracts as claimed, and Leuchtmann (DE '835), Doty (US 2602691), and Leichtl specifically show locking mechanisms having a bolt that

extends and retracts from a housing seat element. Thus, it would have been obvious to a person of ordinary skill in the art to try a bolt which extends out of and retracts into a seat element in which it is housed, since a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. In turn, because the locking bolt and seat element as claimed has the structural relationship predicted by the prior art, it would have been obvious to make the extending and retracting locking bolt.

Response to Arguments

7. Applicant's arguments filed 4/10/2008 with respect to new claims 12-25 have been considered but are moot in view of the new grounds of rejection.

Allowable Subject Matter

8. Claims 14-22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record did not show or suggest, either singly or combined, a folding seat comprising a movement locking device having a biased locking bolt, that extends out of and retracts into a back or bottom of the seat, which engages a notched block adjacent the folding seat, and a cable for moving the locking bolt; wherein the cable is connected between the locking bolt and an actuating follower bolt that moves along the surface of control cam; and wherein the notched block comprises projections

configured to keep the biased bolt in place in the seat's folded position and release the biased bolt for placing the seat in it's unfolded position.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 3636
July 7, 2008

/David Dunn/
Supervisory Patent Examiner, Art Unit 3636